

REMARKS

In the present Office Action, claims 1-44 were pending before the Office. Of these, claims 1, 6, 10, 12, 17, 22, 26, 28, 33, and 43 were the only independent claims.

Claims 1-44 were rejected under §§ 102 and 103.

Claims 43 and 44 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 6, 10, 12, 17, 22, 26, 28, 29, and 33 have been amended. No new matter has been added.

A. CLAIM REJECTION UNDER 35 U.S.C. § 102

Claims 1 and 3-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0029286 to *Gioquindo et al.* (hereinafter "*Gioquindo et al.*"). Applicants respectfully traverse this rejection for at least the following reason.

Independent claim 1 now recites, *inter alia*, transferring, via a processor including executable code that is usable to send partition information from a partition management tool to a hosting partition, a frame or packet from an adapter cache memory to a receive queue of each of one or more partitions to which the frame or packet is to be sent.

Gioquindo et al. relates to communication between multiple partitions employing a host-network interface and discusses an arrangement in which partitions 113, 115 and 117 use a communication adapter 120 to communicate amongst themselves and between themselves and a network. As FIG. 3 of that patent illustrates, however, *Gioquindo et al.* does not teach transferring a frame or a packet from the communication adapter to a partition in the manner recited by claim 1.

Accordingly, favorable reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 are respectfully requested.

B. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 2 and 6-42 stand variously rejected under 35 U.S.C. § 103 as being unpatentable over various combinations of *Gioquindo et al.*, U.S. Patent Publication No. 2003/0149844 to *Duncan et al.* (hereinafter "*Duncan et al.*"), U.S. Patent Publication No. 2003/0236852 to *Fernandes et al.* (hereinafter "*Fernandes et al.*"), U.S. Patent No. 5,956,714 to *Condon* (hereinafter "*Condon*"), U.S. Patent No. 6,854,021 to *Schmidt et al.* ("*Schmidt et al.*"), U.S. Patent Publication No. 2003/0023826 to *McMichael et al.* (hereinafter "*McMichael et al.*"), and U.S. Patent No. 5,564,040 to *Kubala* (hereinafter "*Kubala*"). Applicants respectfully traverse these rejections, for at least the following reasons.

Independent claim 6 now recites, *inter alia*, transferring, via a processor including executable code that is usable to send partition information from a partition management tool to a hosting partition, a frame or packet corresponding to a selected partition from a transmit queue of the selected partition to an adapter cache memory.

Independent claim 22 recites a similar feature in apparatus form.

The primary citation to *Fernandes et al.* relates to sharing a network adapter among multiple logic partitions in a data processing system and discusses an arrangement in which a network adapter 225 permits logic partitions 201a and 201b to communicate. As FIG. 2 of that patent illustrates, however, *Fernandes et al.* does not teach transferring a frame or a

packet from the network adapter (alleged to be a multiple queue Ethernet adapter) to a partition in the manner recited by claim 6.

The secondary citation to *Gioquindo et al.*, for reasons similar to those discussed above, does not remedy the aforementioned deficiency in *Fernandes et al.* Also, the tertiary citation to *Condon*, cited for various other features but not against claim 22, does not add anything that would remedy the aforementioned deficiency in the combination of *Fernandes et al.* and *Gioquindo et al.* Thus, even in view of the knowledge of one of ordinary skill in the art, the asserted combination is deficient.

Accordingly, favorable reconsideration and withdrawal of the rejection of the rejection of independent claims 6 and 22 under 35 U.S.C. § 103 are respectfully requested.

Independent claim 10 recites, *inter alia*, employing a receive queue and a transmit queue for each of a plurality of partitions included in a computer system and, for at least one partition, employing at least two receive queues and two transmit queues.

Independent claim 26 recites a similar feature in apparatus form.

Applicants respectfully submit that none of the asserted citations, alone or in combination, including in combination with the knowledge of one of ordinary skill in the art, teaches or suggests the aforementioned features of claims 10 and 26.

Accordingly, favorable reconsideration and withdrawal of the rejection of the rejection of independent claims 10 and 26 under 35 U.S.C. § 103 are respectfully requested.

Independent claim 12 recites, *inter alia*, allowing a new partition to share an adapter with one or more other partitions of a computer system, the allowing including: selecting, via a partition management tool included in one of the partitions, the new partition to share the adapter; and sending the address of the selected partition to a firmware of the computer system.

Independent claim 28 recites a similar feature in system form.

Independent claim 33 recites a similar feature in computer product form.

None of *Fernandes et al.*, *Gioquindo et al.*, and *McMichael et al.*, alone or in combination, teaches or suggests the claimed partition management tool, even in view of the knowledge of one of ordinary skill in the art. For example, the asserted combination does not even suggest the claimed partition management tool.

Accordingly, favorable reconsideration and withdrawal of the rejection of the rejection of independent claims 12, 28, and 33 under 35 U.S.C. § 103 are respectfully requested.

Independent claim 17 recites, *inter alia*, an adapter adapted to, when a frame or packet is for one or more of a plurality of partitions that share an adapter, ... transfer, via a processor including executable code that is usable to send partition information from a partition management tool included in a partition to a hosting partition, the frame or packet from the adapter cache memory to the receive queue of each of the one or more partitions to which the frame or packet is to be sent.

The primary citation to *Kubala* relates to a method and apparatus for providing a server function in a logically partitioned hardware machine. *Kubala* discusses an arrangement that includes a logical partition manager 106 that is part of a central processing complex 103, which also includes plural logical partitions. A review of FIG. 1 of that patent reveals, however, that the logical partition manager is separate from the logical partitions. Further, for reasons similar to those explained above in the traversal of the rejection of claim 1, the secondary citation to *Gioquindo et al.* does not teach or suggest transferring a frame or a packet in the manner recited by claim 17. Thus, even in view of the knowledge of one of ordinary skill in the art, the asserted combination is deficient.

Accordingly, favorable reconsideration and withdrawal of the rejection of the rejection of independent claim 17 under 35 U.S.C. § 103 are respectfully requested.

In sum, none of the asserted citations, alone or in combination, teaches or suggests at least the aforementioned features of the amended independent claims. Accordingly, without conceding the propriety of the asserted combinations, the asserted combinations are likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

C. CONCLUSION

Since the Applicants assert that all the independent claims as amended are in condition for allowance and all remaining claims properly depend from the independent claims, Applicants assert that all claims are allowable.

Applicants do not believe a Request for Extension of Time is required but if it is, please accept this paragraph as

a Request for Extension of Time and authorization to charge the requisite extension fee to Deposit Account No. 09-0465. Applicants do not believe any additional fees are due regarding this Amendment. However, if any additional fees are required, please charge Deposit Account No. 09-0465.

Respectfully Submitted,



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